Making a Life to Save a Life

1. In England, the Whitaker family faced a terrible situation: their son, Charlie, suffered from a rare disorder that prevented his body from producing red blood cells. Without daily medications and frequent transfusions, Charlie would simply die. With them, he continues to live, but under close medical care.

For a while, it looks as though Charlie's parents had figured out an answer to this dilemma. They proposed to use in vitro fertilization to have another child, but with an added twist. They would, as is usual in this procedure, have the eggs fertilized outside the womb in a laboratory dish, but they would then include an additional step. Using new screening techniques, they would screen the embryos to see which would be most able to donate blood-making cells to Charlie. That would be the one that they would choose to implant and bring to term.

In contrast to the United States and many other countries, in England someone proposing such a procedure must obtain government permission – in this case, from the Human Fertilization and Embryology Authority. The Authority rejected the request by the Whitaker family, saying that it was not right to create a human life with the express intent of saving another life.

Questions:

Do you agree with the Authority's decision? Why or why not? What are the significant moral considerations in this case? What consideration is decisive for you?

Case courtesy of: Aaron Zitner, "COLUMN ONE. A Matter of Life, Ethics." Los Angeles Times, October 29, 2002, p. 1..

Amputating Healthy Limbs?

2. Kevin Wright came to Dr. Robert Smith, a general surgeon at Falkirk and District Infirmary in Scotland, with an unusual request. He wanted one of his legs to be amputated below the knee. Dr. Smith referred Mr. Wright, a teaching assistant from Essex, to the senior psychiatrist at Falkirk and District Royal Infirmary, Dr. George Dodds, for a psychiatric consultation. After meeting with Mr. Wright, Dr. Dodds said that he could not support the surgery and so advised Dr. Smith, the surgeon.

Despite Dr. Dodd's negative recommendation, and without further consultation, Dr. Smith amputated Mr. Wright's leg below the knee, as requested. Earlier in the year, Dr. Smith had carried out an amputation on a German citizen, Hans Schaub. In both cases there was no medical reason for amputating the limbs. The limbs were physically healthy and not diseased or deformed in any way. According to a report by Dr. Smith, Mr. Wright subsequently e-mailed him and said that he was very happy after having been in misery for thirty years. Dr. Smith admits that he does not understand the motivation of these patients: "It is a concept I still have difficulty in understanding," he said.

Although the operations were performed in National Health Service hospitals, the patients were private patients who paid the cost of the operation personally. Dr. Smith received no fee for the surgery.

When Dr. Smith revealed that he intended to perform a third amputation, this time on an American psychoanalyst (Greg Furth, a Jungian analyst in New York) who also wanted a healthy limb removed, the hospital board learned of his plans and refused him permission to perform the operation. At a news conference, Ian Mullen, a spokesperson for the hospital board said: "I don't believe it's appropriate for this type of operation to go ahead without consideration being given to the potential implications for the local reputation of the hospital and the concerns that might arise among the local population.

Question:

Are healthy limb amputations ethical?

Case courtesy of: Landenson, Robert F. Department of Philosophy Illinois Institute of Technology (IIT), and Illinois Institute of Technology (IIT), and Faculty Associate, Center for the Study of Ethics in the Professions (IIT)

Deliberate Extinction?

3. Throughout history, humankind has caused the extinction of numerous ecological systems and species. These extinction events have resulted from both direct and indirect human activities, and the frequency of extinction events is now occurring at an alarming rate. Most extinctions likely were the inadvertent consequence of some anthropogenic impact on the landscape, but some of these may have been predicted.

For centuries, the smallpox virus was one of the worst scourges of humankind. It killed more people over the world than any other infectious disease, particularly in non-immune populations such as Native Americans. The World Health Organization's (WHO) campaign against smallpox, launched in 1967, was highly successful, and resulted in WHO's formal declaration of the eradication of this disease by 1979. The WHO is currently considering destroying the two remaining stocks of smallpox virus, located in two high security laboratories in the USA and Russia.

Dr. Albert Jardim is the director of a laboratory of research on infectious diseases. Dr. Jardim acknowledges that the WHO's argument to eradicate the virus was based upon the following reasons: (1) the risk of accidental escape and infection; (2) the risk that the virus might be used for biological war; (3) its present irrelevance for scientific purposes; and, (4) the symbolism of the total eradication of such an evil entity.

Unknown to anyone else, he has a sample of this virus frozen in his laboratory. Yet, Dr. Jardim knows that (1) the risk of accidental infection from his laboratory is practically nil; (2) the risk of military or terrorist use makes no sense since there are much more effective and readily available biological agents for warfare throughout the world; (3) the destruction will not, in itself, guarantee that the disease may not re-emerge eventually from unknown samples (e.g., dead bodies preserved in frozen regions, or other forgotten samples in unreferenced laboratories such as his own); (4) further, significant virological knowledge can be obtained only from intact viruses.

Dr. Jardim holds the conviction that each biological entity of the planet is the unique and irreproducible result of a long evolutionary history, which makes it a precious and irreplaceable entity of complexity and organization. He is aware that some members of the scientific community share his point of view. Dr. Jardim concludes that his stock of the smallpox virus should not be destroyed, and he decides to consult with the only two collaborators who

also potentially have access to the virus stock. If he obtains unanimous agreement from his colleagues, his laboratory will keep the smallpox virus secret.

Questions:

While there may be compelling reasons to do so, the purposeful eradication of entire biological systems or species from the face of this Earth has never been proposed before and presents an ethical dilemma: Do we have the right to deliberately and directly cause the extinction of an ecosystem, a community, or a species? If yes, under what circumstances? And, if not, why?

Case Courtesy of: "National Bioethics Institute" (Oregon State University, August 1998).

Housing Regulations?

4. A developer watches his foreman park a bulldozer on a sand dune stretched a hundred feet above the Great Lakes shoreline. He is planning to build a magnificent 3,000 square foot summer home for Mr. and Mrs. Jones. The house will overlook the large expanse of blue water. The Jones live in Grosse Pointe, Michigan and have told the developer how much they look forward to flying up to the island for long weekends. The developer knows the Jones work very hard and this is to be their summer home. The developer looks over the expanse of the water and feels satisfied. He knows he is making a living, indeed a very good living, and is building a fine home. His grandfather and father were both developers, and by age eight he was following them around and learning the business. He is proud to be a developer and to carry on his family's tradition. He's not afraid to fight for what he thinks is right, and he believes there is nothing better for America than increasing economic wealth of the nation by building homes and commercial developments.

The developer watches as his foreman surveys the big patch of weeds they will remove to make room for the red pines. The developer wants to plant the several hundred red pines sitting there in burlap bags waiting for the decision by the commissioners. He likes red pines because they grow quickly and are inexpensive so he can plant many of them. He thinks the pines will look nice and protect the house from the harsh winds blowing across the lake. Recently the developer brought additional deer onto the island, careful to bring only males so as not to increase their numbers. Besides, hunters prefer to shoot bucks. He and the Joneses look forward to seeing the deer all summer and then Mr. Jones will hunt them right in his backyard come November 15th. The developer feels great and can't wait to meet with the Commissioners. He feels confident that they will give him a variance so he can start building summer homes on this fabulous island. He's already talked to Commissioners Bill and Joe at the athletic club and things seem "greased."

An ecologist comes to the island and sees the bulldozer poised to cut into the edge of the ancient sand dune. She is alarmed, shaken. She can see that he will cut into one of the last two stretches of undisturbed sand dunes on Michigan's Great Lakes islands. She can also see that the bulldozer will pull up huge amounts of common milkweed (Asclepias syriaca) growing in dry fields near the dune edge. She thinks about the milkweed which is food for

bees, flies, and monarch butterflies. These insects in turn cross-pollinate the milkweed and keep it regenerating. She is alarmed because she fears that this year when the monarchs arrive on the developer's island in May from Mexico, the milkweeds will be gone. They will fly all over the island trying to find their food. They will be weak from the long travel and vulnerable to death. They will have flown over open water and been battered by the wind arriving in a weak condition. This is the only summer home they have ever known, and won't last long without the milkweeds.

The ecologist sees several hundred red pines sitting near the bulldozer. She knows red pines aren't native to this island. They also don't provide shelter to any of the creatures living on this island which have slowly adapted over a ten-thousand year period to the deciduous trees of the coastal dunes. She envisions hundreds of red pines with no life in them. Then the ecologist spots an antlered white-tailed deer (Odocoileus virginiana) and her heart sinks. She has been on other islands that have been damaged by these magnificent creatures. She knows that deer are not naturally found on Great Lakes islands because of the difficulty of crossing ice and lack of suitable food once there. Most Great Lake islands are just too small to maintain healthy deer populations. Without natural predators, the deer herd grows too large in numbers and eats everything in sight. If their own usual food source-twigs and leaves of aspen, nuts, yellow water lily and acorns-is missing, deer will eat whatever vegetation is available, often stripping bare the lower branches of trees and shrubs. Even in small numbers, she has seen the damage caused by the pointed, sharp deer hooves that cut two by three inch tracks deep into the earth, severing the vegetation. In a sand dune environment, this can lead to severing key botanical connections for decades. The ecologist sees things in the developers plans that she believes will destroy some of the very things that drew the developer and the Jones to the island. When she looks over the horizon, she sees an interconnected chain of life and life processes that started for this island 14,000 years ago when the last glaciers left this area. She hopes she can convince the Commissioners not to issue the variance. She's never met them and hopes they are fair and will listen to the island's story.

The Deliberation

The State Natural Resources Commission must decide whether to issue a variance to the Sand Dune Protection Act, which prohibits building close to the edge of dune areas. This particular island, which is 3 miles long and half

a mile wide, has a rare perched dune along the entire western coast, and the island is also on the state list as the eighth most endangered island ecosystem out of 600 state islands although there are no laws that address this aspect. The north half of the island is owned by the state, and the south half by the developer. Several dune plants are listed as endangered or threatened species. In addition to permanent residents, the island is home for migratory species such as warblers and the Monarch butterfly. The island contains a sandy area used by the public for landing boats for picnics, deer hunting, or simply enjoying nature. A limited number of deer hunting permits are issued by lottery each year by the Commission to keep the deer population, which was introduced to the island in the 1960s, in check. Hunters land by helicopter at a cost of several thousand dollars for a wilderness hunting experience. There is one homestead on the island currently, as well as an airstrip for small planes. In the past, the island has supported a somewhat larger population of people engaged in farming, lumbering, or use of the island as summer homes. The Commission previously denied a variance to the Sand Dune Protection Act to a different developer who wanted to build several hundred condominiums on the island. The previous developer then sold his island property to the current developer. The nine commissioners are appointed by the Governor with the advice and consent of the State Senate. In past votes, four of the Commissioners have tended to take pro-development positions, while four have tended to be more protectionist. Traditionally an all-male commission made up of hunters and outdoor types, these eight men have now been joined by a new member, a woman, who has not yet established a voting record.

Some other factors to consider:

- He purchased the land on the South end of the island after the Sand Dune Protection Act was in place.
- Location of the house is important (because of the view).
- Owners are going to use this as a seasonal home, and value the natural setting and the closeness to nature.
- The owner espouses a desire for "ecologically sound" development
- The Developer employs a wildlife biologist who is a deer expert to assist him in this.
- He wants to use the land for deer hunting in November.
- People will be hired to build and maintain the house.
- The tax base for the applicable township will increase if the house is built.

Air pollution, noise, energy consumption, and waste disposal will increase by building, maintaining, and traveling to a new house.

Question:

Should the developer be allowed to build the house?

Case Courtesy of: Iowa State University Bioethics. Office of Biotechnology, Bioethics Outreach Ames, Iowa 50011-3260, (515) 294-9818, biotech@iastate.edu

Rare Plants

5. The Atlantic forests of coastal Bahia, Brazil, harbor some the greatest diversity of plant life on the planet. Within the last few decades, however, the formerly extensive forests have been reduced to approximately 3% of their original cover due to the cultivation of cacao and other crops. An extremely rare but evolutionarily significant species of the grass family, referred to here as Species X, occurs in these forests. This species is known from only three populations along a 6 km stretch of reed in the cacao-growing region of Bahia; at last count in 1994, a total of about 80-100 plants was found in the three populations.

One of the populations grows at the edge of a cacao grove, and none occurs within a protected area. It is possible that additional populations of the species occur in the area although botanists have looked for it and not found it. Recent studies have shown that Species X is one of the few existing representatives of the earliest lineages of the grass family; these ancient, broadleaved, tropical forest grasses almost certainly evolved in the Cretaceous and coexisted with the dinosaurs.

Several botanists have visited the natural populations of Species X over the last 20 years, and a few live plants were removed for cultivation in Brazil and the United States during this time.

Although collecting regulations were less strict then than they are today, it is not clear that the live plants were taken out of Brazil with the proper authorization. Regulations in force today (including principles agreed upon at the Rio summit) would probably permit the collection of such plants for research purposes but would not allow for their commercial distribution without some form of compensation to the Brazilian government.

Exact GIS coordinates for the three populations of this species have been obtained, but will not be released to the general public or scientific community. This species is currently in cultivation in two places in Brazil, but at least 20 plants are in cultivation at various universities and botanical gardens in the United States. Although the species has some attractive qualities, it grows slowly and probably has little potential for development as an ornamental. It would be of interest to collectors mainly due to its rarity. Species X is extremely rare and extremely significant evolutionarily, a combination which would give it the highest priority according to some conservation biologists.

By any criteria, Species X is a rare, endangered species, but it has not yet been formally listed as such.

Questions:

Should a coordinated attempt to preserve one or all of the natural populations be undertaken, even if the publicity engenders local hostility? Or is it sufficient to leave well enough alone, given that the species has survived this long, and hope that additional but as yet undiscovered populations are out there somewhere?

Case Courtesy of: Iowa State University Bioethics. Office of Biotechnology, Bioethics Outreach Ames, Iowa 50011-3260, (515) 294-9818, biotech@iastate.edu

Genetic dragnets

6. Mark Silano lived in a small town that rarely had serious problems. Recently, however, there had been a particularly brutal crime. A young girl had been found murdered in one of the town's parks. It had been almost three months, and the police didn't seem to be getting anywhere.

As he was skimming his local newspaper, Mark came across an advertisement with a large black border. He read it carefully:

All males between the ages of 18 and 25 are asked to come in voluntarily to help in the investigation of the Anna P. murder case. One vial of blood will be drawn from each volunteer for the purpose of DNA testing.

At first Mark didn't understand the implications of the ad. Then he remembered a show he had seen on television, which told about DNA fingerprinting and how criminals could be identified from tissue samples found at a crime scene. Mark was 22 and so fell into the category asked for in the ad. He thought he should volunteer, but he was really frightened of needles. He didn't want to give blood.

The first investigation to use DNA forensics took place in the United Kingdom in 1983. All the men in a town where a murder had occurred were asked to give blood samples for DNA testing. Colin Pitchfork, who was the murderer, tried to pay a number of people to give blood for him. When one man did, but then realized what this meant, Pitchfork was arrested.

DNA dragnets, as they are often called, are now used all over the United Kingdom and are increasingly used in the United States.

Questions

Are such “voluntary” DNA dragnets ethical?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

Liscencing to have a child

7. How many of us have seen newspaper articles about child abuse? How about heroine addicts trying to raise children? How about infants who have died of heat exhaustion after being left in a locked car? Have you ever shook your head and said, “There should be some kind of license to have a child?”

David Lykken, a psychologist from the University of Minnesota, felt that there was a genetic link to criminality and other antisocial behavior. Due to Lykken's thoughts about genetics and the links to behavior, he proposed a very controversial solution: potential parents must acquire a license before they have children! The purpose of the licensing would be to certify people for parenthood. Potential parents who are underage, too poor, alcoholic, or ex-criminals would be turned down. One proposed result would be ultimately to decrease crime rates throughout the United States. Criminals would not be issued a license and therefore could not bear offspring. Lykken's idea was to "fight crime in the cradle."

Consider the Following Data

Consider the following evidence in Table 1. Many professionals such as R.R. Crowe, author of *Archives of General Psychiatry*, believe that the majority of children with criminal offenders as biological mothers are criminal offenders themselves. These children have all been brought up by adoptive parents.

Table 1. Arrest Records of the Biological Offspring of Female Criminal Offenders

Arrest Record	Probands	Controls
Number of subjects checked for records	52	52
Subjects with records	8	22
Total number of arrests	18	2
Subjects arrested as adults	7	2

Subjects with convictions	7	0
Subjects with two or more arrests	5	0
Subjects incarcerated for an offense	3.5	0

Question:

Should licenses be required for couples to have children?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

Drug Requirements

8. The Amos Drug Company has developed a new drug that will prevent osteoporosis, one of the most dangerous conditions affecting older people, especially older women. In osteoporosis, calcium is leached out of the bones, which then become brittle and easily broken. Osteoporosis can also cause serious compression fractures of the vertebrae and neck, as well as a great deal of pain as the condition progresses.

The drug has cost millions to develop, test, and put on the market. It has no side effects, but it does have to be taken every day from puberty on. If this regimen is followed, the person will never develop osteoporosis. The drug is especially effective for those who are genetically predisposed to the condition.

This drug has an enormous potential market. Prior to its release, the only way someone could prevent osteoporosis was to take calcium supplements or to increase the calcium in their diet, but this didn't guarantee that a problem would not occur much later in life. With the new drug, if someone takes one pill every day, there is no chance of developing osteoporosis.

Amos Drug Company is contemplating an interesting marketing plan. If all people over age 25 were required to take the drug, many people could be saved from a painful and crippling disease. So the company's president, Doug Marshall, has asked legislators in his state to consider passing a law requiring the drug for everyone.

There is some precedent for a state stepping in to better the health of its constituents. In many states, genetic testing for certain conditions is required at birth; in others, the state often intervenes to force certain patients to have a procedure (such as a cesarean section or blood transfusion).

If the drug became required by the state, the company would not only recoup all the money it had spent on research and development but make a huge profit and at the same time help many people.

Questions

Is it ethical to require the use of this drug (and possibly others like Merck’s drug against HPV)?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

Smoking Ban

9. Next Tuesday is the election, and Marcia Oster doesn't know how she will vote. Marcia's state is asking its constituents to vote on a ban on smoking in all public places, including restaurants, businesses, and bars.

The proposed ban would require businesses to set aside an area a few feet outside the business where people may smoke. California, for example, has such a measure in place. It prohibits all smoking of tobacco products in 100% of enclosed places of employment. The objective, as cited in the law, is "to reduce employee exposure to environmental tobacco smoke." Smokers may have an enclosed smoking room, if it has proper ventilation. Employers must also post nonsmoking signs at the entrance to their establishment. This includes all restaurants and bars. The California ban was implemented gradually over a five-year period; in 1998, the third phase, which affects bars and clubs, went into effect.

Many business people, especially restaurant and bar owners, oppose smoking bans such as the one in California. These owners argue that they should be able to operate their businesses as they please and that government-imposed smoking bans take away that right. They are also afraid revenues will decrease if smokers no longer patronize their establishments. However, some studies show that smoking bans have no significant effect on overall profits.

Although Marcia doesn't smoke, both her parents do, and they have told her many times that they feel discriminated against by groups pushing for nonsmoking areas and by laws that restrict where smokers can go. It doesn't bother them that they cannot smoke while shopping, but they are angry about the proposed ban in restaurants and bars. Most restaurants in their state already have nonsmoking sections, and Marcia's parents feel this is enough.

On the other side of the issue, Marcia’s friend Cathy is very allergic to cigarette smoke. Her physicians have told her to stay away from smoke whenever possible because it triggers her asthma. While smokers claim that smoking bans infringe on their personal freedom, Cathy argues that people should only be allowed to do what they want as long as their actions do not harm others. She points out that if you are around smokers, you have no choice but to breathe in the smoke they exhale, and that the harmful effects of breathing secondhand smoke have been documented. The Centers for Disease Control report that an estimated 3,000 lung cancer deaths and

62,000 deaths from coronary heart disease are attributed to secondhand smoke annually. In children, secondhand smoke is also linked to sudden infant death syndrome, low birth weight, chronic middle ear infections, and respiratory illnesses. In fact, some scientists have determined that exhaled smoke actually contains more carbon monoxide than smoke inhaled directly from cigarettes.

Question:

Is a smoking ban ethical? If so, to what extent?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

Selling Organs

10. After her gall bladder surgery, Ruth Sparrow had a serious problem. The problem was not her health. The surgery was successful, and she was recuperating well. The problem was money. Her bill was close to $20,000, but she had no insurance and no savings to fall back on. Then she thought of a creative way of solving her problem. She offered one of her kidneys to the hospital. "I will give you a kidney, if you'll mark my bill paid in full," she told hospital administrators at Bayfront Medical Center in St. Petersburg, Florida.

The hospital turned her down. Ruth had another idea, though. She placed an ad in a local newspaper: "Kidney runs good. Taking offers. $30,000 or best offer." While some of the responses were crank calls, several people took her ad seriously and called to ask her blood type. Before the ad had run its three-day span, however, it was pulled by the newspaper, who explained that only duly licensed agencies can run ads for organ donations. In addition, it is illegal to sell your organs, and in Florida it is a felony. Federal and state laws prohibit buying or selling of a human organ or tissue.

Recently a quiet campaign has arisen to convince the public to rethink the issue. With thousands of people on waiting lists for organ transplants, there are not enough donations to go around. Some advocates of financial reimbursement believe that more Americans would donate their organs if there were some incentive to do so. Lloyd Cohen, of George Mason University, has pointed out that a great deal of money is made on transplant operations. Hospitals, doctors, and drug companies all benefit-why not the donor?

How might this be done? Healthy people might contract to have their organs sold after death, with the money going to their family. Funeral or hospital expenses could be covered by donation of an organ after death.

Ruth Sparrow thought that if people could advertise the use of their eggs or sperm for a price, or even the use of their uteruses (surrogacy), she should be able to do the same with her kidney. "I have an organ here that could save a life," she said. "I've got two kidneys, one I could do without."

Question:

Should private commercialization of organs be restricted?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

More Deserving Candidate?

11. The hospital ethics committee was discussing an important and urgent case. A donor heart had become available, but an extremely rare thing had happened. Two heart-transplant candidates in the hospital were both matches for the donor heart. One patient was known to the committee as Mr. X, the other as Ms. Y.

For someone with heart failure, Mr. X had been on the transplant waiting list a long time. He had been waiting one year and was near death. Ms. Y had just been placed on the list and could be sustained with medication for quite some time, possibly until another heart became available. The answer seemed obvious-give the heart to Mr. X.

A number of the members of the committee did not agree with this answer. They argued that time on the transplant list should be only one factor considered. They saw a problem in Mr. X's medical record.

Mr. X was 64 years old and had suffered from a heart condition for years. He had had two angioplasties and two bypass operations to correct a blockage of the heart's blood vessels. The problem seen by some committee members was that Mr. X still smoked, ate fatty foods, and was very overweight. After each procedure, doctors had warned Mr. X that he must change his life-style, and that if he didn't, his condition would worsen. He never stopped smoking, however, and he never changed his diet. He said it was too hard.

Research has proven that smoking and high cholesterol are risk factors for heart problems. Blockage of the coronary arteries is directly attributed to these two factors. Treatments such as angioplasty (opening the blood vessels by passing a tube into the arteries) and bypass surgery (connecting new blood vessels that go around the clogged ones) can correct the problem, but they are not a total cure. To avoid further problems, patients must control their diet, stop smoking, and alleviate stress. This, of course, is not easy. Mr. X appeared not even to try.

The heart was about to be airlifted to the hospital. The committee had to make their decision very soon.

Question:

Should certain people be denied organ transplants?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies

Who Owns the Baby?

12. It wasn't a simple divorce case. The Davises, Junior and Mary Sue, were asking the court to make a judgment in a kind of case no other court had looked at before. Earlier in their marriage, because of infertility problems, the couple had visited a clinic and undergone a procedure called in vitro fertilization. In this procedure, her eggs and his sperm were fertilized in the laboratory and nine embryos were produced. Two were placed in Mary Sue's uterus, and seven were frozen. The two embryos placed in her body did not grow to a pregnancy. Although the Davises had planned to return and use the other seven, they found the situation of the marriage unbearable-perhaps partly because of the procedure itself, which is expensive and stressful. They decided to divorce, and now each was asking for the embryos.

Junior decided that he didn't want children from his ex-wife and desired that the embryos be donated to research. Mary Sue wanted to implant the embryos. Mary Sue's attorney argued for Mary Sue's right to proceed with the implantation on the basis that the embryos were potential human life, not typical property. She argued further that even if the embryos were ruled to be property, Mary Sue should have a say in their disposition, under the divorce laws of Tennessee. She also entered a counterclaim that Junior be ordered to pay child support in the event that Mary Sue bore a child.

For his part, Junior's attorney argued that an "embryo" is not a person and, therefore, should not be considered a child. He also said that it was Junior's right under the Constitution not to be "forced" to become a parent.

The court needed to decide if the embryos were property, children, or neither. If ruled to be property, the embryos would be divided between the Davises. If ruled to be children, custody would have to be awarded.

The trial court, the first court, decided the embryos were "children in embryo," awarding custody of them to Mary Sue and directing that she be allowed to implant them. Junior appealed the ruling to the Tennessee Court of Appeals. The court of appeals reversed the trial court and gave the embryos to Junior. Again, it was appealed, now to the state supreme court.

Questions

To whom should the court award the embryos? Why?

Case Courtesy of: McGraw Hill. General and Human Biology Bioethics Case Studies